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OFFICE OF PETITIONS

In re Application of	:	
Patrick J. WALSH.	:	
Application No. 10/686,553	:	ON PETITION
Filed: October 14, 2003	:	
Attorney Docket No. 08285-00646	:	

This is a decision on the renewed petition filed November 25, 2008 under 37 CFR 1.181, requesting withdrawal of the Notice of Abandonment mailed July 9, 2008 and, alternatively, under 37 CFR 1.137(a) and 37 CFR 1.137(b) to revive the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed March 14, 2008, which set a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on June 15, 2008.

Petitioner asserts the Notice of Abandonment mailed July 30, 2008 be withdrawn as petitioner never received the Notice of Allowance mailed March 14, 2008.


To support this assertion petitioner has submitted: (1) a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and (2) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed. Accordingly, it is concluded that petitioner never received the Notice of Allowance mailed March 14, 2008.

The holding of abandonment is hereby withdrawn, and the application restored to pending status.

In view of the above, the petitions under 37 CFR 1.137(a) and 37 CFR 1.137(b) are
DISMISSED AS MOOT.

Telephone inquiries concerning this decision should be directed to Felix O. Figueroa at (571) 272-6051 or in his absence, the undersigned at (571) 272-7099.

The application file is being referred to the Office of Data Management.



David Bucci
Petitions Examiner
Office of Petitions